



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING DEPARTMENT HEARING**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> May 6, 2005	<b>CONTACT/PHONE</b> Elizabeth Kavanaugh (805)788-2010	<b>APPLICANT</b> Mid State Properties	<b>FILE NO.</b> COAL 04-0462 SUB 2004-00107
<b>SUBJECT</b> A request by Mid State Properties for a Lot Line Adjustment to adjust the lot line between two existing parcels of 15,000 square feet and 22,292 square feet each. The adjustment will result in two parcels of 17,498 square feet and 19,794 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Suburban land use category and is located 8701 and 8747 Oak Drive, in the community of San Miguel. The site is in the Salinas River planning area.			
<b>RECOMMENDED ACTION</b> Approve Lot Line Adjustment COAL 04-0462 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class Five Categorical Exemption was issued on April 7, 2005.			
<b>LAND USE CATEGORY</b> Residential Suburban	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 027-221-042 and 027-221-026	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> None			
<b>LAND USE ORDINANCE STANDARDS:</b> Setbacks			
<b>EXISTING USES:</b> Two single family residences and two residential accessory structures.			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Residential Suburban / residences <i>South:</i> Residential Suburban and Agriculture / residences <i>East:</i> Residential Suburban / residence <i>West:</i> Residential Suburban / residences			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: San Miguel Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, San Miguel Community Services District, and San Miguel Fire.			
<b>TOPOGRAPHY:</b> Nearly level		<b>VEGETATION:</b> Non-native grasses, ornamentals, and a few oak trees	
<b>PROPOSED SERVICES:</b> Water supply: Community Water Sewage Disposal: Individual septic system Fire Protection: San Miguel Fire		<b>ACCEPTANCE DATE:</b> April 5, 2005	
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:</b> COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

**ORDINANCE COMPLIANCE:**

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES SQ. FT.	ADJUSTED PARCEL SIZES SQ. FT.
15,000	17,498
22,292	19,794

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances. The adjustment will result in the reconfiguration of the two parcels to more nearly equalize the parcel sizes.

**SB 497**

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below minimum parcel size as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

**ORDINANCE COMPLIANCE**

All buildings on both parcels meet the setback standards of the Land Use Ordinance

**LEGAL LOT STATUS:**

Certificate of Compliance C78-0045 legally recognized both lots.

**FINDINGS - EXHIBIT A**

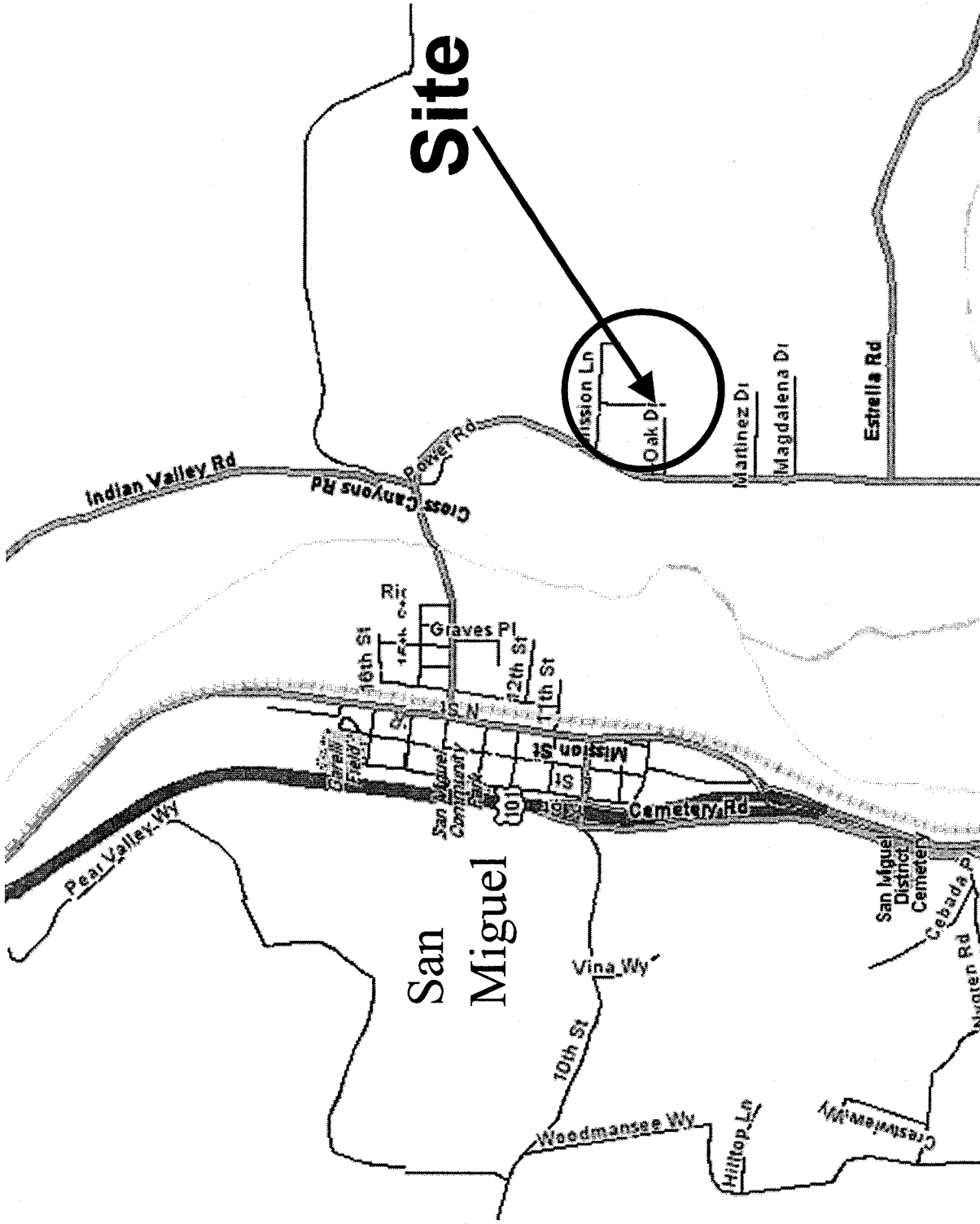
- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of the two parcels to more nearly equalize the parcel sizes.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class Five exemption) pursuant to CEQA Guidelines Section 15305 because this is a minor alteration in land use with average slopes of less than 20 percent.

**EXHIBIT B**  
**Conditions of approval for COAL 04-0462**

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
  - a. All public utility easements.
  - b. All approved street names.
  - c. All access easements.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for both parcels. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

11. The applicant shall as a condition of approval of this lot line adjustment application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this lot line adjustment, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

Staff report prepared by Elizabeth Kavanaugh  
and reviewed by Kami Griffin, Supervising Planner

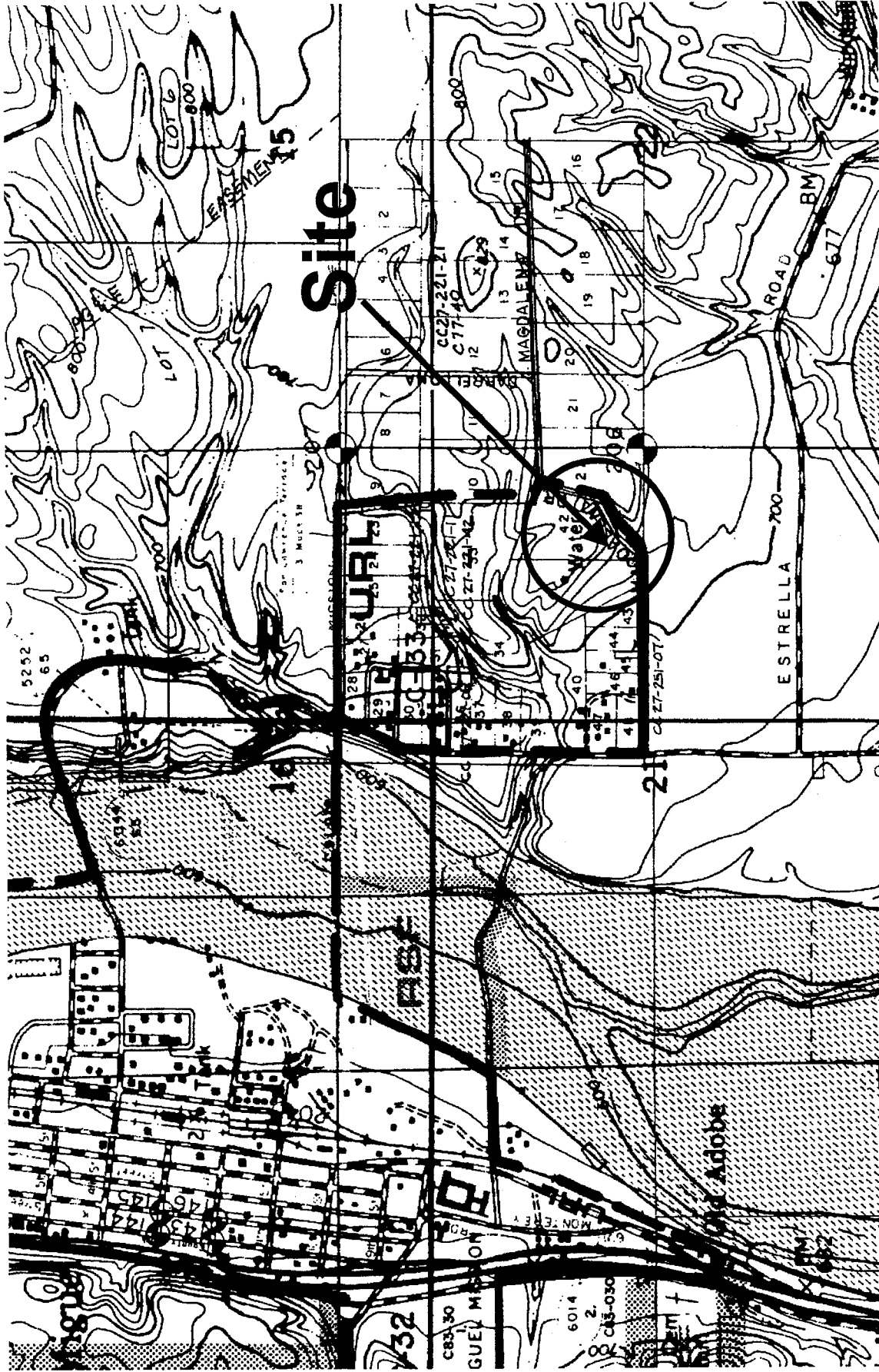


Exhibit

## Vicinity Map



Project  
Lot Line Adjustment  
Mid State Properties/ COAL04-0462/ SUB2004-00107

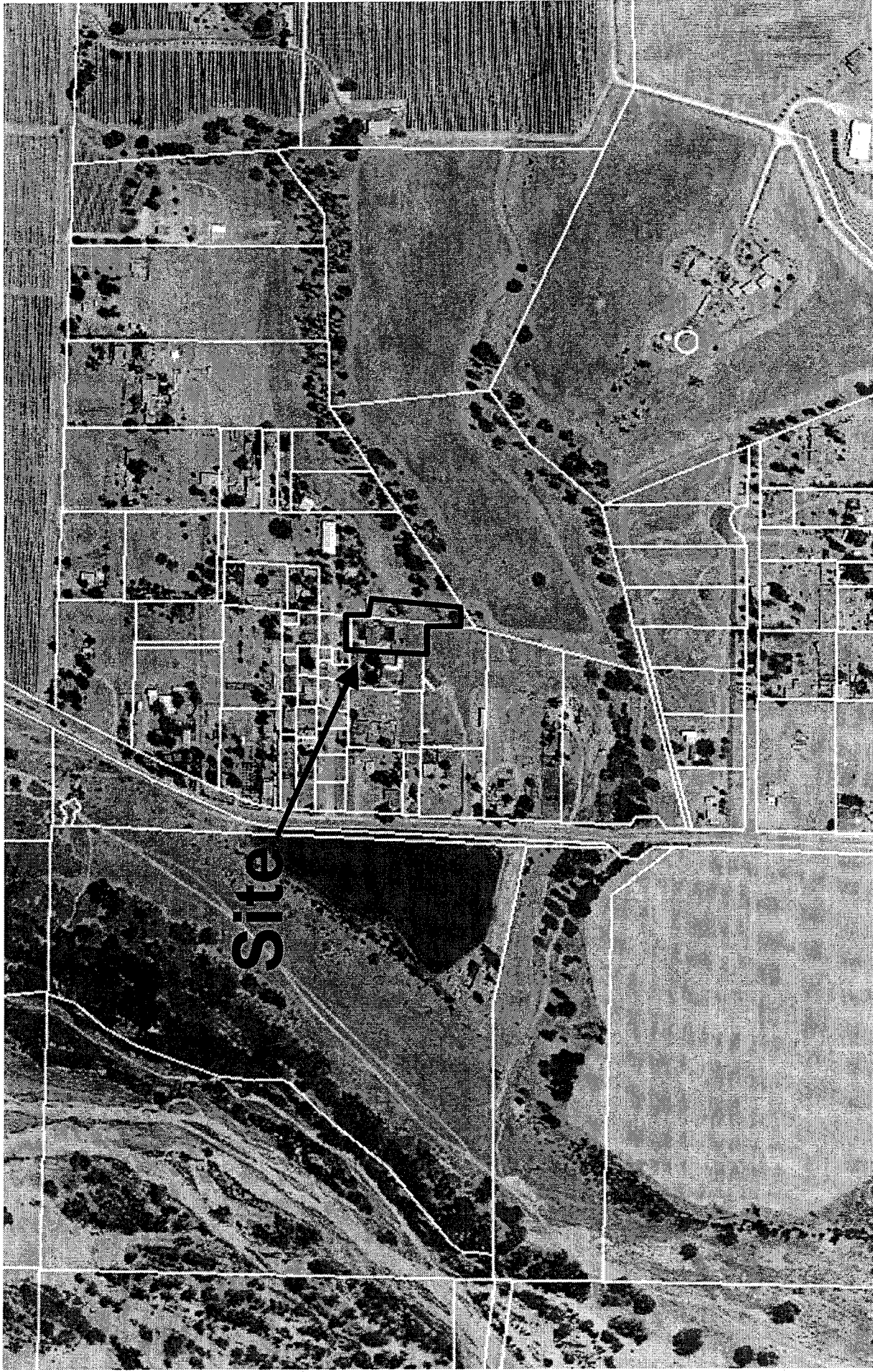


Exhibit

# Land Use Category Map

Project

Lot Line Adjustment  
Mid State Properties/ COAL04-0462/ SUB2004-00107



Exhibit

## Aerial Photograph

Project

Lot Line Adjustment  
Mid State Properties/ COAL04-0462/ SUB2004-00107







ER

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

9/17/2004

TO:

L. Kelly

FROM:

North Co. Team

(Please direct response to the above)

MID STATE PROP.

SUB2004-06187

Project Name and Number COAL 04-0462

PARCEL 1

Development Review Section (Phone: 781-788-2009) ( )

PARCEL 2

PROJECT DESCRIPTION: LLA → between 027-221-042 & 027-221-026. Will result in Parcel 2 increasing in size (width). COAL 04-0462 off Oak Drive in San Miguel. See site plan.

Return this letter with your comments attached no later than:

10/01/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Legal Parcel APN: 027-221-026 - San Laurence Tract  
Portion of Lot 30 per Certificate of Compliance C78-0045  
Parcel #2, APN: 027-221-042 - San Laurence Tract, Portion  
of Lot 31 per Certificate of Compliance C78-0045, Parcel #1.  
Copies attached

9/21/04  
Date

Joe Hanson  
Name

846600  
Phone



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EX

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

SEP 20 2004

VICTOR HOLANDA, AICP  
DIRECTOR

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9/17/2004

FROM

PW



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RECOMMENDS APPROVAL - NO CONCERNS

08 Oct 2004  
Date

Goodwin  
Name

5252  
Phone



10  
EK  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

SEP 20 2004

VICTOR HOLANDA, AICP  
DIRECTOR

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DATE:

9/17/2004

FROM

PW

MID STATE PROP.



North Co. Team

(Please direct response to the above)

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08 Oct 2004  
Date

GOODWIN  
Name

5252  
Phone



Ek 10

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

OCT 07 2004 VICTOR HOLANDA, AICP  
DIRECTOR

Planning & Bldg

THIS IS A NEW PROJECT REFERRAL

DATE:

9/17/2004 10/06/04

FROM:

Parks

TO:

North Co. Team

(Please direct response to the above)

SM  
Miguel

MID STATE PROP.

SUB2004-06187

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NO Comment.

10/06/04  
Date

JAN DI LEO  
Name

4089  
Phone

# ENVIRONMENTAL DESCRIPTION FORM

San Luis Obispo County Department of Planning and Building File No \_\_\_\_\_

The California Environmental Quality Act (CEQA) requires all state and local agencies to consider and mitigate environmental impacts for their own actions and when permitting private projects. The Act also requires that an environmental impact report (EIR) be prepared for all actions that may significantly affect the quality of the environment. The information you provide on this form will help the Department of Planning and Building determine whether or not your project will significantly affect the quality of the environment.

To ensure that your environmental review is completed as quickly as possible, please remember to:

Answer **ALL** of the questions as accurately and completely as possible.

Include any additional information or explanations where you believe it would be helpful or where required. Include additional pages if needed.

If you are requesting a land division or a re-zoning, be sure to include complete information about future development that may result from the proposed land division or rezoning.

Include references to any reports or studies you are aware of that might be relevant to the questions asked or the answers you provide.

Should a determination be made that the information is inaccurate or insufficient, you will be required to submit additional information upon request.

## Physical Site Characteristic Information

**Your site plan will also need to show the information requested here**

1. Describe the topography of the site:  
Level to gently rolling, 0-10% slopes: 0.9 acres  
Moderate slopes of 10-30%: 0 acres  
Steep slopes over 30%: 0 acres
2. Are there any springs, streams, lakes or marshes on or near the site? ☐ Yes ☒ No  
If yes, please describe: \_\_\_\_\_
3. Are there any flooding problems on the site or in the surrounding area ☐ Yes ☒ No  
If yes, please describe: \_\_\_\_\_
4. Has a drainage plan been prepared? ☐ Yes ☒ No  
If yes, please include with application.
5. Has there been any grading or earthwork on the project site? ☐ Yes ☒ No  
If yes, please explain: \_\_\_\_\_
6. Has a grading plan been prepared? ☐ Yes ☒ No  
If yes, please include with application.
7. Are there any sewer ponds/waste disposal sites on/adjacent to the project? ☐ Yes ☒ No
8. Is a railroad or highway within 300 feet of your project site? ☐ Yes ☒ No
9. Can the proposed project be seen from surrounding public roads? ☒ Yes ☐ No  
If yes, please list: Oak Drive